

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF  
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE  
HALL, ON WEDNESDAY, SEPTEMBER 5, 2001.**

**Members Present:** Peter Lilienfield, Chairman  
William Hoffman  
Jay Jenkins  
Walter Montgomery, Secretary

**Also Present:** Lino Sciarretta, Village Counsel  
Edward P. Marron, Jr., Building Inspector  
Florence Costello, Planning Board Clerk  
Thomas Jackson, Environmental Conservation Board  
Dalco Reporting, Inc., for Bridge Street Properties  
Applicants and other persons mentioned in these Minutes  
Members of the Public.

**IPB Matters**

**Considered:** **00-28 – Bridge Street Properties, LLC**  
Sht. 3, P-103  
**00-40 – Astor Street Associates, LLC**  
Sht. 7, Portion of P-25000  
**01-24 – Eric & Beatrice Goldsmith**  
Sht. 12A, P91D,91C,91H2,91J,91K2  
**01-36 – Yen & Elsie Wong**  
Sht. 13, P-37  
**01-40 – Ante & Sylvia Marusic**  
Sht. 10B, Bl. 230, Lor 22C  
**01-41 – James R. Gleason & Kathleen Gleason**  
Sht. 14, Bl. 224, Lot 1,6,40  
**01-42 – Jason & Susan Barnett**  
Sht. 8, Bl. 220, Lot 1  
**01-43 – Peter Trinkaus & Martha Morrell**  
Sht. 7, P-93A

The Chairman called the meeting to order at 8:04 p.m.

**Carry-overs to October:** **01-39 – Peter & Natalie Derby**  
Sht. 12B, Lot 40 & 42  
**01-16 – Joseph & Denise Ciccio**  
Sht. 10C, Bl. 226, Lot 55N



**IPB Matter #01-40:**

**Application of Ante & Sylvia Marusic for Site Development Plan Approval for property at 60 Hudson Avenue.**

Ante Marusic appeared personally for the application. The Applicant is proposing to construct a new first-floor addition and a new second-floor addition to an existing single-family residence, increasing the existing 753 square feet of area by 1190 square feet. The existing dwelling does not conform to front yard setback requirements (19.7 ft. where 30 ft. is required) specified in the Village Code, but no further encroachment in the front yard is proposed.

Drawings submitted were: Marusic Residence, by Patrick E. Allen, Architect dated June 20, 2000, 7 sheets. Lot Coverage and Clearance, Marusic Residence, no date, Topographic Survey by John Muldoon, L.S. dated October 24, 2000, and Map of Property by Everton W. Green dated February 21, 1995. **(FLORENCE, PLEASE CONFIRM THESE DATES).**

The Chairman stated that the magnitude of the proposed increase is in excess of the threshold for a Waiver and therefore, the Applicant must go through the Site Plan Approval process. The Chairman also noted that Mr. Mastromonaco has no engineering concerns and there are no additional issues of coverage.

The Board determined the application to be complete and set a public hearing on the application for the meeting of October 3<sup>rd</sup>.

**IPB Matter #01-42:**

**Application of Jason & Susan Barnett for Site Development Plan Approval for property at 48 Ardsley Avenue West.**

Walter Nestler, Landscape Architect, represented the Applicant. This is an application for the construction of an in-ground swimming pool and spa, as well as the removal of approximately 1,000 square feet of existing paved terrace. Drawings entitled Topographical Survey prepared by Aristotle Bournazos, P.C. dated March 29, 2001, and Site Plan for Pool, Mr. & Mrs. J. Barnett prepared by Walter G. Nestler, ASLA, dated August 8, 2001, six (6) sheets were submitted. Mr. Montgomery recused himself from consideration of this matter.

The Board reviewed the coverage and setback requirements, and addressed grading, tree protection, construction access, drainage and a proposed solid fence around a pool equipment storage area. The chairman noted Mr. Mastromonaco's memorandum of August 31, 2001 and an ECB memo dated August 31, 2001 (which noted the property's proximity to the Aqueduct, its impact on views, and the protection of hedges & trees along Bertha Place). Mr. Marron said he would work with the Applicant's representative on remaining issues.

The Board determined the application to otherwise be complete, and set a public hearing for the October 3<sup>rd</sup> meeting.

**IPB Matter #01-43:**

**Application of Peter Trinkaus & Martha Morrell  
for Waiver of Site Development Plan Approval  
for property at 3 El Retiro Lane.**

The Applicant was represented by Matthew Behrens, Architect. The application concerns the rebuilding of the fire damaged second floor living space above an existing detached garage. The project will not increase the footprint of the building. Plans submitted were: Garage Addition, Trinkaus Residence by Matthew Behrens, Architect dated August 20, 2001, two (2) sheets) and Survey of Property prepared by Aristotle Bournazos, P.C. dated August 17, 2001.

The Chairman noted that the Applicant failed to provide required notification to the Irvington School District and the Taconic Park Commission; as such, the Planning Board could take no action on this matter.

The Chairman referred to Mr. Mastromonaco's memorandum of September 5, 2001, Item #3, which stated that the addition to the house appeared to be a second dwelling unit, based on documents submitted by Applicant. The Board determined that the construction would not constitute a second dwelling unit under Village zoning regulations, and requested that the application include a notation to the effect that there will be no kitchen. The Applicant said he intends to use the current water and sewer lines.

The Chairman stated that the application is eligible for a Waiver of Site Development Plan Approval, and that there is no site capacity issue. The Board directed that a public hearing on the application be held at the October 3<sup>rd</sup> meeting, presuming the proper notification is undertaken.

**IPB Matter #01-24:**

**Application of Eric & Beatrice Goldsmith for  
Site Development Plan Approval for property  
At 73 Havemeyer Road.**

Mr. Goldsmith represented himself and his wife. This is a continuation of an application related to the proposed construction of an addition of approximately 1,540 square feet to a house at 73 Havemeyer Road.

The Chairman reiterated that the drive, which provides access to adjoining property, constitutes a "street" under the Zoning Code. As a corner property, front yard setbacks are necessary from both streets next to this property. Therefore, the Applicant must seek a variance from the Zoning Board.

At its meeting of August 8<sup>th</sup>, the Planning Board had agreed that the application could be considered, subject to receipt of any variance, and that a public hearing would be held at the September 5<sup>th</sup> meeting.

The Chairman opened the public hearing. There were no comments from the public. The Chairman closed the public hearing and the Board took the following action. It approved plans (pending issuance of a variance by the ZBA), entitled Addition and Alteration to the Goldsmith Residence dated May 23, 2001 revised June 26, 2001, by Michael Esmay (1 sheet) and noted Westchester County Department of Health verification (family room, bedroom) WCHD File #76IV-1 signed by Louise Doyle, dated June 26, 2001.

**IPB Matter #01-41:**

**Application of James R. Gleason & Kathleen Gleason for Site Development Plan Approval and Site Capacity Determination for property at 115 South Broadway.**

The Applicant was represented by Richard J. Blancato, Esq. The Applicant is proposing a subdivision of property into two lots, one of which will be the site of an existing house. The property is in a Multi-Family Residence District. Preliminary Subdivision Map prepared for James Gleason, by Charles Riley, PLS, dated July 31, 2001 was submitted.

The Chairman pointed out that, under the Village Zoning Ordinance (224-7-D 3), the two properties had merged. The application contained a Site Capacity analysis for the entire property. The Chairman indicated that the Planning Board required a site capacity analysis for each of the lots being created, as well as for the entirety. Mr. Blancato disagreed, saying that Village regulations allow site capacity measurement to be based solely on the entire parcel.

Mr. Marron and Mr. Mastromonaco indicated that there were setback and other zoning issues with the application. Lot A, the proposed lot that would include the existing house, would have insufficient frontage along Broadway. Lot B, at the corner of Clinton and Broadway, would have either insufficient frontage (if frontage were considered along Broadway), or insufficient depth (if the frontage were considered along Clinton). The setback along the easterly property line should be measured from the driveway easement as it constitutes a “way” and therefore (by definition) a street. Also, the property would have multiple front yards, each needing to conform to the district’s front yard setback requirement.

The Chairman asked Mr. Blancato to provide the Board with a survey of the entire property, and suggested discussion between the Applicant and Village Counsel with regard to site capacity, frontage and other zoning requirements. The Board continued this meeting to the October meeting.

**IPB Matter #01-40:**

**Application of Astor Street Associates, LLC  
for Subdivision and Site Development Plan  
Approval for property at Astor Street.**

Paul Sirignano, Esq., appeared for the Applicant. This application involves the proposed rehabilitation of the former MTA electrical substation into a residential housing development of nineteen one-bedroom units, four of which will be at specific below-market rental rates.

The Board opened the public hearing on the application. The Chairman noted that the Planning Board would proceed with consideration of the application, and then report to the Board of Trustees, which will be considering a special permit for this project.

Mr. Sirignano indicated that the retaining wall in the back of the property may be altered, pending discussion with the Village Fire Chief. The Board reviewed changes in the project's plan pertaining to the location of utility lines, easement, construction of the rear wall and vegetation.

The Board determined that the Irvington Board of Trustees, the Zoning Board of Appeals and other appropriate agencies should be notified of the Planning Board's intent to be Lead Agency on the project.

The Board stated that the public hearing would be continued at the October meeting.

**IPB Matter #00-28:**

**Application of Bridge Street Properties, LLC for  
Site Development Plan Approval for property at  
One Bridge Street.**

John Kirkpatrick, Esq., appeared for the Applicant. The application relates to the proposed construction of an office building at Two West Main Street. The Board continued the public hearing that had been opened at the August 8, 2001 meeting. The Applicant provided for a stenographic record of the meeting, which is incorporated in these minutes. The Chairman reviewed the titles and dates of the plans that constitute the Application.

Mr. Kirkpatrick indicated that the Applicant had reviewed the site plan with Mr. Mastromonaco, and that, among other changes, the parking spaces on Railroad Way had been eliminated. Mr. Kirkpatrick asked that the Applicant be provided a "credit" for these spaces. A discussion followed regarding both how Bridge Street Properties acquired title to the site and the terms of the access easement over Railroad Way.

The Board and the Applicant discussed Mr. Mastromonaco's memorandum of September 5, 2001, dealing with layout and other design issues. The Chairman noted that the project consists of property located to both the north and south of West Main Street. When the property is considered in its entirety, the application would comply with the Industrial District's FAR, coverage and parking requirements. When considered independent of one another, the property to the south of West Main Street would comply with FAR and coverage, but would not meet the ordinance's parking requirement.

Mr. Kirkpatrick contended that the Applicant's proposal fully conforms to the definition of a single lot, and the project therefore does not violate the Village Code. He also said that the Applicant is willing to provide an appropriate written agreement to meet the Village's possible concerns about implications of treating the north and south sections as one property.

On advice of Village Counsel, the Chairman said that the Planning Board needs an administrative determination as to whether and how the two sections of the property can be legally treated as a single property. The Applicant indicated that it would seek clarification or a variance from the Zoning Board of Appeals, and the Chairman indicated that he would draft a letter to the ZBA regarding this matter. The Chairman asked Mr. Kirkpatrick to begin the task of preparing a draft resolution for site development plan approval.

The Board decided to continue the public hearing at the regular October 3<sup>rd</sup> meeting, to be continued at a special meeting on October 9<sup>th</sup> as necessary.

The Board then considered the following administrative matters;

- The next regular meeting of the Planning Board was scheduled for October 3, 2001 at 8:00 pm.
- A special meeting was scheduled for October 9<sup>th</sup> at 8:00 pm, as necessary, to continue the public hearing on the Bridge Street application

There being no further business, the meeting was adjourned at 11:10 pm

Respectfully submitted,

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Walter Montgomery, Secretary

